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Sole Agts. for Hawaii

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Alakea St., Near King.

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CALIFORNIA WINES, ELK CLUB
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ENGLISH STOUT AND ALES OF
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With a germicide and a natural food
the hair. It gives the hair new
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the only hair and scalp food, and
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It dandruff, stops falling hair,
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ped with the handsome screens,
backgrounds, draperies and furni-
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Davy does not wish his sitters
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JARS AND CAKE PLATES.

Sale for One
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Sole agents in the Hawaiian
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Puritan Blue Flame Wickless Oil
Stoves, Primus Stoves, double-
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The House Furnishing Goods
Department is on the second
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The publisher of Hawaii Shinpo, the
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Y. SOGA, Editor.
C. SHIOZAWA, Proprietor.

Editorial and Printing Office near
King street bridge, King street, P. O.
Box 907

PUZZLING QUERY.

Is Propounded to
the Circuit
Court.

CANNOT DECIDE
THE WATER MARK

In the Case of the Territory vs.
the Ex-Queen Now in the
Circuit Court.

WHAT constitutes high water
mark and what constitutes low
water mark? This question
has caused an avalanche of documents
to be rushed into the Circuit Court by
the respective parties to the suit of the
Territory vs. Her Majesty Liliuokalani
and John Wilson. The Territory contends
that the defendants have violated the
law in removing sand from Waikiki
beach at high water mark, and yester-
day Attorney General E. P. Dole filed
a lengthy brief in support of his argu-
ment.

The brief is an elaborate one, the Con-
stitution of the Hawaiian Monarchy, es-
tablished in 1840 under Kamehameha III,
being cited. He says it follows that this
monarch and his premier exceeded their
powers in attempting to convey to low
water mark and that so much of a deed
as purports to convey a title between
high water mark and low water is null
and void.

He goes on to state that "an examina-
tion of authorities will show beyond
question not only that the title of the
public, the State or nation, extends to
high water mark, but that high water
mark is that swayed by the waves of
ordinary high tide. . . . The high
water mark of today is the limit of the
line washed by the incoming tide at or-
dinary high tide; and a year from to-
day, extraordinary changes excepted,
high water mark will be the limit of the
line washed by ordinary high tides of a
year from today."

In commencing his brief the Attorney
General quotes from the Constitution of
1840, the first written Constitution of the
Hawaiian Monarchy, which contains
among others the following section, upon
which Mr. Dole lays considerable stress:
"Kamehameha I was the founder of the
Kingdom and to him belonged all the
land from one end of the Islands to the
other, though it was not his own private
property. It belonged to the chiefs and
people in common, of whom Kamehameha
I was the head and had the manage-
ment of the landed property."

"Wherefore, there was not formerly,
and is not now, any person who could
or can convey away the smallest portion
of land without the consent of the one
who had, or has, the direction of the
Kingdom."

The following resolution passed by the
Privy Council, August 29, 1859, is quoted
in the brief as follows:
"Resolved, That the rights of the King
as Sovereign extend from high water
mark a marine league to sea and to all
navigable straits and passages among
the Islands, and no private right can be
sustained, except private rights of fish-
ing and of cutting stone from the rocks,
as provided for and reserved by law."

"Following this the Acts passed during
the reign of Kamehameha III by the
Nobles and Representatives are quoted
at length, bearing upon the subject. He
also cites many authorities wherein the
term "high water mark" is defined and
upon which the Attorney General bases
the entire case for the Territory.

SCHAEFER VS. MCGREW.

In the \$1,000 damages case of Frank
Schaefer vs. Dr. John S. McGrew, the
First Circuit court yesterday gave judg-
ment, upon motion of plaintiff's attor-
neys, to the plaintiff for his costs in-
curred, declaring the defendant in de-
fault. The costs, as shown by the attor-
ney's bill filed yesterday, amount to
\$4.50.

K. W. Macfarlane and August Ahrens
yesterday filed their annual account as
guardians of Ruth and George Richard-
son, minors, charging themselves with
balancing sums of receipts and expendi-
tures at \$18,507.75.

A replication to the answer of the de-
fendant was filed by plaintiff in the
case of Emma M. Nakulua vs. J. H.
Schnack yesterday, denying the defend-
ant's ownership of the land alleged to
have been trespassed upon, and demand-
ing judgment against the defendant, to-
gether with costs of suit.

CONTEMPT PROCEEDINGS.

The case of John Wilson, defendant, in
re the Territory of Hawaii vs. Her Ma-
jesty Queen Liliuokalani, charged with
contempt of court in carrying away
sand from below the high water mark
at Waikiki beach, against the injunction
of the Court, was heard yesterday morn-
ing. Wilson was fined \$100 and costs.
The fine was immediately paid. Wilson
was represented by Attorney A. A. Wil-
der. The defense was that the defend-
ant had taken steps to avoid violating the
injunction, and Wilson stated on the
stand that he had located the high wa-
ter mark and set stakes for the guidance
of his six men, who were instructed not
to go nearer than six feet to the line.
Surveyor Maynard testified that the
mean tide level is established by a long
series of observations in mild weather
and that in these Islands the high water
mark is about one foot above the line.
The defense held that the injunction
covered only that zone of beach covered
by the rise and fall of two feet.

MAUNALEI SUGAR CO. CASE.

The Judge of the First Circuit Court
yesterday issued an order outlining the
powers and duties of T. McCants Ste-
wart, the receiver appointed by the Court
to take charge of the property of the
insolvent Maunalei Sugar Company, Lim-
ited. The receiver is authorized to in-
stitute and defend suits in the name of the
company, and to make sale, under order
of the Court, of all real and personal
property belonging to the company, a
special proviso being made authorizing
and empowering him to sell at public
auction or private sale the steam launch
referred to in the various suits, and
leaving the manner and time of sale en-
tirely to the discretion of the receiver.
Despite the fact that a son was born
to the wife of Charles R. Ramsay yester-
day morning, the happy father contin-
ued to serve his country as a juror in
the First Circuit Court.

Bruce A. Wright, trustee for the es-
tate of Emma Kalelelanani, yesterday
filed his seventh account, showing the
total of receipts and expenditures up to
and including December 31, as balancing
sums of \$5,313.

An appearance has been filed in the

case of W. F. C. Hasson vs. W. H. Pain
et al., which is an action for the dissolu-
tion of co-partnership, by the defend-
ants, Harry Francis and Harry Francis,
trustees, yesterday.

POLICE COURT ITEMS.

Defendant in Trespass Case Fails to
Appear for Trial.

Manuel Fernandez, charged with be-
ing unlawfully on the premises of Mrs.
Abreu, on Miller street, failed to appear
in the Police Court yesterday morning
when his name was called. Considerable
interest is being taken in Fernandez' whereabouts on account of his having
declared his intention to several people
of committing suicide. Some of his
friends assert that he has gone to Kauai.

Nakai, the champion che fa player of
the Territory, was up against it yester-
day to the amount of \$15 and costs.
Tickets of the game were found upon him.

Jack Burton, the man with the bad
memory, was reprimanded and discharg-
ed. He was charged with having left a
horse and vehicle unattended in a public
place for twenty-four hours. His Honor
took compassion on defendant's mar-
velous absent-mindedness.

Enoka, John Pahia, Haake and Hal-
verson, all drunk, paid \$2 and costs. In-
nes and J. N. Gere, also drunk, failed
to face the music and forfeited their bail
of \$5.

TO TRY UNCLE SAM'S CASES

The Federal Grand and
Trial Juries
Named.

The drafting of the Grand and trial
juries for the term commencing April 1
took up the greater part of the session
of the United States District Court yester-
day. The case of Kamaka Kukaoka
vs. the Schooner Robert Lewers Co., et
al., was set for trial on Saturday, March
9. The Federal Grand Jury drafted con-
sists of the following named persons:

J. J. Egan, Honolulu.
John Buckley, Honolulu.
Edwin Thomas, Honolulu.
W. E. C. Brown, Hilo.
A. J. Estrella, Hilo.
Chas. Phillips, Honolulu.
John B. Oliver, Hilo.
A. St. Martin, Honolulu.
J. G. Spencer, Honolulu.
J. E. Anderson, Hilo.
P. H. Burnett, Honolulu.
Edward Hapal, Hilo.
F. H. Klemme, Honolulu.
Chas. Bellina, Honolulu.
Jas. S. Torbert, Honolulu.
M. N. Kohn, Honolulu.
S. Lederer, Honolulu.
J. W. Podmore, Honolulu.
Jas. Kott, Jr., Honolulu.
C. B. Ripley, Honolulu.
E. E. Richards, Hilo.
J. G. McSheldon, Honolulu.
A. L. Morris, Honolulu.
The Federal trial jury will be as fol-
lows:

J. H. Stelling, Honolulu.
W. F. Sharratt, Honolulu.
St. B. C. Sayers, Honolulu.
Chas. Carter, Honolulu.
E. C. Winston, Honolulu.
H. N. Milet, Honolulu.
Thomas Wall, Honolulu.
H. Deacon, Hilo.
L. C. Ables, Honolulu.
O. G. Traphagen, Honolulu.
Captain A. N. Tripp, Honolulu.
Duke McNichols, Honolulu.
H. McCallum, Honolulu.
Louis Warren Honolulu.
W. L. Eaton, Honolulu.
Jas. K. Mersberg, Honolulu.
K. H. Hironaka, Honolulu.
H. P. Griswold, Honolulu.
Edward Henriques, Honolulu.
E. R. Adams, Honolulu.
A. B. Scrimgeour, Honolulu.
H. C. Verdi, Honolulu.

Inter-Island Telegraph

On and After the 2nd of March

Messages in plain language will be ac-
cepted for transmission between the
places mentioned below:

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KA LAU, Molokai.
MAUNALEI, LANAI and LAHAINA,
Maui.

The charge for such messages will be
at the rate of 20 cents per word of 15
letters (minimum charge, \$2.00) until
further notice.

When telephone connections are
available messages may be handed to
the telephone company to be forward-
ed to destinations other than those
mentioned above.

In other cases special messengers
may be employed.

The cost of special delivery is not in-
cluded in the charge of 20 cents per
word. If the cost is known it must be
paid by the sender when the message
is handed in. If unknown, it must be
paid by the addressee when the mes-
sage is delivered.

Honolulu Office, Magoon Bldg
UP-STAIRS.

FOR SALE!

White Pekin Duck Eggs

13 FOR \$2.50, OR 26 FOR \$4.00.

—AT—

MINORCA RANCH,
Wahiawa, P. O. Oahu.

Anyone having an incubator for sale
will please address above.

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—AND—
HAWAIIAN CURIOS

Mrs. T. B. Clapham,

Gedge Cottage.

HOTEL AND RICHARDS STS.

Honolulu Iron Works Co.

STEAM ENGINES.

BOILERS, SUGAR MILLS, COOL-
ERS, BRASS AND LEAD CASTINGS,
and machinery of every description
made to order. Particular attention
paid to ship's blacksmithing. Job work
executed on shortest notice.

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Street.

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AT HONOLULU AND HILO.

SAVINGS DEPOSITS received and
interest allowed for yearly deposits at
the rate of 4 1/2 per cent per annum.
Rules and regulations of savings de-
partment furnished upon application.

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Kakulani Railroad Company,
and

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LIMITED.

Capital Stock \$100,000.
Capital, paid up \$55,000.

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J. Makainai Treasurer
Enoch Johnson Secretary
Geo. L. Desha Auditor

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Jonah Kumalea,
J. Makainai,
J. W. Biplane.

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waiian Islands; and also has houses in
the City of Honolulu for rent.

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business connected with banking es-
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